

The logo for the law firm Akerman, featuring the word "akerman" in a lowercase, sans-serif font with a red horizontal line under the letter "a".

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Darryl R. Graham

MEMO ENDORSED

Akerman LLP
1251 Avenue of the Americas
37th Floor
New York, NY 10020

T: 212 880 3800
F: 212 880 8965

February 8, 2024

VIA ECF

The Honorable Valerie Caproni
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *Diligent Enterprise Management, LLC v. AML Global Eclipse, LLC et al.*, No. 23-CV-10924 (VEC)

Dear Judge Caproni,

My law firm, Akerman LLP, represents plaintiff Diligent Enterprise Management, LLC (“Diligent”) in the above-captioned matter. We respectfully submit this letter on behalf of Diligent, with consent from the Defendants noted below, requesting that the Court adjourn the initial pretrial conference.

On December 19, 2023, the Court entered the Notice of Initial Pretrial Conference (the “Notice”), scheduling the pretrial conference on February 16, 2024 at 10:00 a.m. [D.E. 5]. Per the Notice and this Court’s Individual Practices Rule 2C, the parties request an adjournment of the pretrial conference due to pending and forthcoming motions regarding jurisdiction and venue. Given that the outcome of these motions could lead to this matter being heard in New York state court, in this Court, or in a Delaware federal court, the parties submit that these issues should be resolved prior to the pretrial conference.

I have conferred with counsel representing Defendants Alan Klapmeier, James Carroll, Steve Serfling, RJ Siegel, Mike Wyse, and Carol Larotonda, and counsel representing Defendant AML Global Eclipse, LLC regarding this request, and counsel for the aforementioned Defendants have consented to an adjournment of the pretrial conference. As of this filing, counsel for Defendant DWC Pine Investments I, Ltd. (“DWC”), who has not entered an appearance as of yet, has not taken a position regarding this request for an adjournment. This is the parties’ first request for an adjournment of this conference.

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Diligent, together with the consenting Defendants, propose that to the extent this matter remains in this Court after the jurisdictional motions are resolved, that the pretrial conference be rescheduled for the second Friday following the Court's Order(s) on those motions.

Thank you for your consideration of this request and for your attention to this matter.

Sincerely,

/s/Darryl R. Graham

Darryl R. Graham

cc: Erica Barrow
Daniel J. Buzzetta
Baker Hostetler LLP
45 Rockefeller Plaza, 15th Floor
New York, New York 10111
Attorneys for Defendants Alan Klapmeier, James Carroll, Steve Serfling, RJ Siegel, Mike Wyse, and Carol Larotonda

Dmitriy Tishyevich
Chelsea Cosillos
McDermott Will & Emery LLP
One Vanderbilt Avenue
New York, New York 10017
Attorneys for Defendant DWC Pine Investments I, Ltd.

Michael C. Keats
Peter B. Siroka
Fried, Frank, Harris, Shriver & Jacobson LLP
One New York Plaza
New York, New York 10004-1980
Attorneys for AML Global Eclipse, LLC

Application GRANTED. The Initial Pretrial Conference scheduled for Friday, February 16, 2024, at 10:00 A.M. is ADJOURNED sine die. The Court will reschedule the conference upon resolution of the parties' motions if they are denied and the case remains here.

SO ORDERED.



2/9/2024

HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE